IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7175 OF 2005.

Riyaz Abdul Razzak Jamdar. ... Petitioner.

V/s.

Mohiddin Mohammad Malbari
and others. ... Respondents.

M.H.Solkar for the petitioners.

Dooshyant Purekar for the respondents.

CORAM: V.C.DAGA, J.

DATED: 2nd December 2005.

P.C.:

. Heard learned counsel for the petitioners.

. Learned counsel for the petitioners did not press this petition. He, however, prayed for grant of time to vacate the premises. Learned counsel for the respondents left it to the discretion of this Court to grant a reasonable time to vacate the premises.

. In the circumstances, petition is dismissed with no order as to costs.

. The petitioners are, however, granted one year time to vacate the suit premises, subject to their furnishing usual undertaking of all the family members to this Court within two weeks from

today. Failure on the part of the petitioners to file undertaking as indicated above within stipulated period, it would be open to the respondent to execute the decree in accordance with law.

. The petitioners are further directed to continue to pay the respondents an amount equal to the monthly rent by way of occupation charges on or before 10th of each month and shall not create any third party interest in the suit premises.

(V.C.DAGA, J.)